



OCT18'19 PM 1:37 DAS
The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Robert R. Scott, Commissioner

October 15, 2019

His Excellency, Governor Christopher T. Sununu
and The Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Authorize the State of New Hampshire through the Department of Environmental Services (Department) to accept the gift of a 0.213-acre parcel (parcel) of land, Pursuant to RSA 4:29 from Etchstone Properties, Inc., located at 65 Gilson Road in Nashua, New Hampshire, more particularly described in Attachment A.

EXPLANATION

The Department requests that the State accept the gift of the parcel for the purpose of accessing and maintaining two groundwater monitoring wells situated thereon, which are routinely sampled by the Department as part of the ongoing monitoring of the Sylvester Superfund Site (Site).

The Site is located at 57 Gilson Road in Nashua and was discovered in 1978 as an illegal hazardous waste dumping ground. The Environmental Protection Agency issued a Record of Decision in 1982 and remedial actions began thereafter. The remedy involved the construction of a slurry wall, an extraction and treatment system, contaminant removal, and provision of public drinking water to impacted properties. The active remedy is now complete and today the State, through the Department, owns and maintains two parcels and is responsible for the long-term operation and maintenance issues at the Site including groundwater monitoring. The area is fenced and contains multiple monitoring locations, some of which are off-site.

Etchstone Properties, Inc. currently owns a 13.15-acre lot that is being developed for residential housing and includes the parcel to be gifted to the State. Continued access to the two monitoring wells located on the parcel are necessary for continued operation and maintenance of the Superfund site, which the State is obligated to perform to ensure the Site's continued protectiveness of human health and the environment. Upon approval of this requested action and the Nashua Planning Board's approval of a lot-line relocation, the gifted parcel will be combined with the State's existing northerly property upon conveyance, as illustrated in Attachment B.

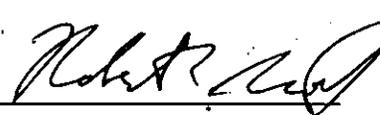
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Accepting the gift of real estate will give the State permanent access to the monitoring wells, eliminate the need for long term access agreements, and ensure the State's ability to conduct monitoring work on the Site, which will be required for the foreseeable future. Therefore, it is in the State's best interest to accept this gift of real estate.

This requested action has been approved as to form, substance, and execution by the Office of the Attorney General.

We respectfully request your approval of this item.

A handwritten signature in black ink, appearing to read "Robert R. Scott", is written over a horizontal line. The signature is fluid and cursive.

Robert R. Scott, Commissioner

ATTACHMENT A

Grantor: Etchstone Properties, Inc.
Grantee: State of New Hampshire

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that **Etchstone Properties, Inc.**, a New Hampshire corporation, having a principal place of business at 179 Amherst Street, Nashua, County of Hillsborough, New Hampshire 03064 (the "Grantor") for no consideration as a gift, grants to **State of New Hampshire** by and through its Department of Environmental Services, having a mailing address of the P.O. Box 95, Concord, New Hampshire 03302, (the "Grantee"), with **QUITCLAIM COVENANTS**, the following:

A certain tract or parcel of land in Nashua, County of Hillsborough, State of New Hampshire, with the improvements thereon, situated on the northerly side of Gilson Road, and being more particularly described as follows:

Beginning at a point on the northerly side of said Gilson Road and said point being the northeasterly corner of the within described premises, thence

S 53° 42' 14" W a distance of 62.24 feet to a point, thence turning

N 36° 17' 46" W a distance of 150.63 feet to a point, thence

N 37° 59'-11" W a distance of 86.72 feet to a point, thence turning

N 12° 46' 34" E a distance of 12.30 feet to a point, thence turning

S 50° 21' 59" E a distance of 252.97 feet to the point of beginning.

Said premises being showing as _____ on a plan of entitled "Subdivision Plan [to be created]", prepared by Hayner/Swanson, Inc. which plan is recorded in the Hillsborough County Registry of Deeds as Plan # _____.

Said premises is also shown as "WITHDRAWABLE LAND" on a plan entitled "Condominium Site Plan, (Map 'D', Lot 32), Thompson's Preserve Condominium, 65 Gilson Road, Nashua, New Hampshire" dated April 15, 2019, as amended, prepared by Hayner/Swanson, Inc. which plan is recorded in the Hillsborough County Registry of Deeds as Plan # _____.

Said premises contains 0.213 acres of land, more or less, according to said plans.

Said premises is to be consolidated with other land of Grantee shown as "Map D Lot 460" on said plans.

Meaning and intending to convey a portion of the premises conveyed to the within Grantor by deed recorded in the Hillsborough County Registry of Deeds at Book 9095, Page 2453 of the Hillsborough County Registry of Deeds.

The within described premises are not subject to homestead rights.

**THIS TRANSFER IS EXEMPT FROM TRANSFER TAXES
PURSUANT TO NH RSA 78-B:2(I).**

EXECUTED this ____ day of _____, 2019.

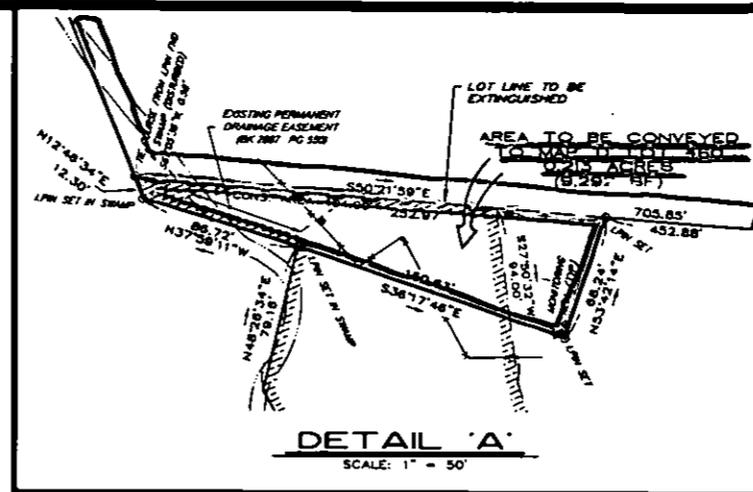
ETCHSTONE PROPERTIES, INC.

By: _____
Kevin Slattery, President

STATE OF NEW HAMPSHIRE
COUNTY OF _____

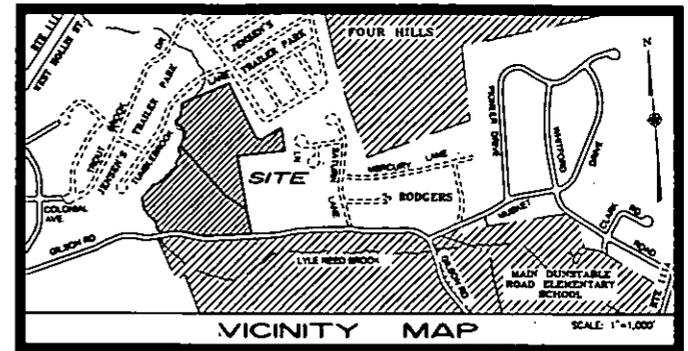
On this the ____ day of _____, 2019, before me, personally appeared Kevin Slattery, President of Etchstone Properties, Inc., known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument and being authorized so to do, made oath that he executed the same as his free act and deed for the purposes therein contained on behalf of Etchstone Properties, Inc.

Notary Public/Justice of the Peace
My commission expires:



- NOTES - CONT'D:**
- IT SHALL BE UNLAWFUL TO MODIFY, CHANGE, OR ALTER ANY STRUCTURE SHOWN ON THIS SITE PLAN IN ANYWAY WHATSOEVER, OR CONVERT OR ALTER ANY STRUCTURE SHOWN ON THIS SITE PLAN, OR CHANGE THE ABOVE USE INDICATED ON THE PLAN WITHOUT RECEIVING APPROVAL FROM THE CITY OF NASHUA PLANNING BOARD.
 - THE APPLICANT SHALL SUBMIT AN ELECTRONIC FILE OF THE SUBDIVISION PLAN (PLOT) PRIOR TO RECORDING OF THE PLAN.
 - THIS SITE IS NOT LOCATED WITHIN THE WATER SUPPLY PROTECTION DISTRICT.
 - SURVEY CONTROL INFORMATION
HORIZONTAL DATUM: NAD83
HORIZONTAL PROJECTION: NH STATE PLANE
UNITS: US SURVEY FEET
 - PRESENT OWNERS OF RECORD:
MAP 'D', LOT 32
ETCHSTONE PROPERTIES, INC.
179 AMHERST STREET
NASHUA, NEW HAMPSHIRE 03064
BK: 8094, PG: 2449; BK: 6005, PG: 2453
NOTICE OF MERGER BK: 8129, PG: 2929

MAP 'D', LOT 480
STATE OF NEW HAMPSHIRE
NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES
60 PAUL HEITZLER, PE ESQ.
P.O. BOX 95
29 HAZEN DRIVE
CONCORD, NH 03302-0095
BK: 2887, PG: 550
BK: 3114, PG: 564



- PLAN REFERENCES:**
- SUBDIVISION PLAN (LOT 32, MAP 'D', 89 GILSON ROAD, NASHUA, NEW HAMPSHIRE, PREPARED FOR BILLIE JO THOMPSON, RECORD OWNER, DORIS THOMPSON, SCALE: 1" = 80', DATED: 8 FEBRUARY 2003 WITH REVISIONS THRU 03/21/03 AND PREPARED BY THIS OFFICE. RECORDED: HCRD - PLAN No. 32388.
 - NH WATER SUPPLY & POLLUTION CONTROL COMMISSION, ACQUISITION PLAN FOR GILSON ROAD HAZARDOUS WASTE SITE, NASHUA, NEW HAMPSHIRE, SCALE: 1" = 100', RECORDED: HCRD - PLAN No. 14535, DATED: NOVEMBER 1971.
 - PLAN FOR BOUNDARY LINE AGREEMENT BETWEEN LANDS OF A & A ANCTL AND L & D THOMPSON, NORTH OF GILSON ROAD, NASHUA, NEW HAMPSHIRE, SCALE: 1" = 50', DATED: NOVEMBER 23, 1971, AND PREPARED BY H.B. FOSHER. RECORDED: HCRD - PLAN No. 5705.
 - MASTER SITE PLAN (MAP 'D', LOTS 32 & 311), THOMPSON'S PRESERVE, 85 GILSON ROAD, NASHUA, NEW HAMPSHIRE, PREPARED FOR: ETCHSTONE PROPERTIES, INC., SCALE: 1" = 50', DATED: 31 JULY 2018 WITH REVISIONS THRU 11/08/18, AND PREPARED BY THIS OFFICE.

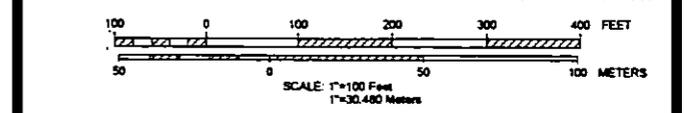
- NOTES:**
- PURPOSE OF PLAN
TO RELOCATE A PORTION OF THE LOT LINE BETWEEN MAP 'D', LOTS 32 & 480, CONVEYING 9,292 SF FROM LOT 32 TO LOT 480.
 - PRESENT ZONING R30: A-SUBURBAN RESIDENCE
MINIMUM LOT REQUIREMENTS
- LOT AREA: 30,000 SF
- LOT FRONTAGE: 105 FT
- LOT WIDTH: 130 FT
- LOT DEPTH: 100 FT
MINIMUM YARD SETBACKS
- FRONT YARD: 30 FT
- SIDE YARD: 20 FT
- REAR YARD: 40 FT
- MAX. BUILDING HEIGHT: 35 FT
- MAX. STORES: 2 1/2
THIS PROPERTY IS LOCATED WITHIN THE FOUR HILLS LANDFILL GROUND WATER MANAGEMENT ZONE OVERLAY DISTRICT (FH-GM2) AND IS SUBJECT TO THE REQUIREMENTS OF SECTION 180.24.1 OF THE NASHUA LAND USE CODE.
 - LOT NUMBERS REFER TO THE CITY OF NASHUA ASSESSORS MAP 'D'.
 - A PORTION OF THESE PARCELS IS LOCATED IN A FLOOD HAZARD AREA ZONE X (SHADED) AS DETERMINED FROM THE FLOOD INSURANCE RATE MAP (FIRM), HILLSBOROUGH COUNTY, CITY OF NASHUA, NEW HAMPSHIRE, COMMUNITY No. 330087, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, MAP NUMBER: 33011C0032D, DATED: SEPTEMBER 23, 2009.
 - MAP 'D', LOT 32 IS SUBJECT TO AN EASEMENT TO PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE AND NORTHERN NEW ENGLAND TELEPHONE OPERATIONS, LLC FOR INSTALLATION AND MAINTENANCE OF ABOVE/GROUND LINES AND FACILITIES AS DESCRIBED AT BOOK 9140, PAGE 2314.
 - MAP 'D', LOT 32 MAY BE SUBJECT TO A WELL EASEMENT AS DESCRIBED AT BOOK 2887, PAGE 550.

PRELIMINARY
FOR REVIEW

No.	DATE	REVISION	BY

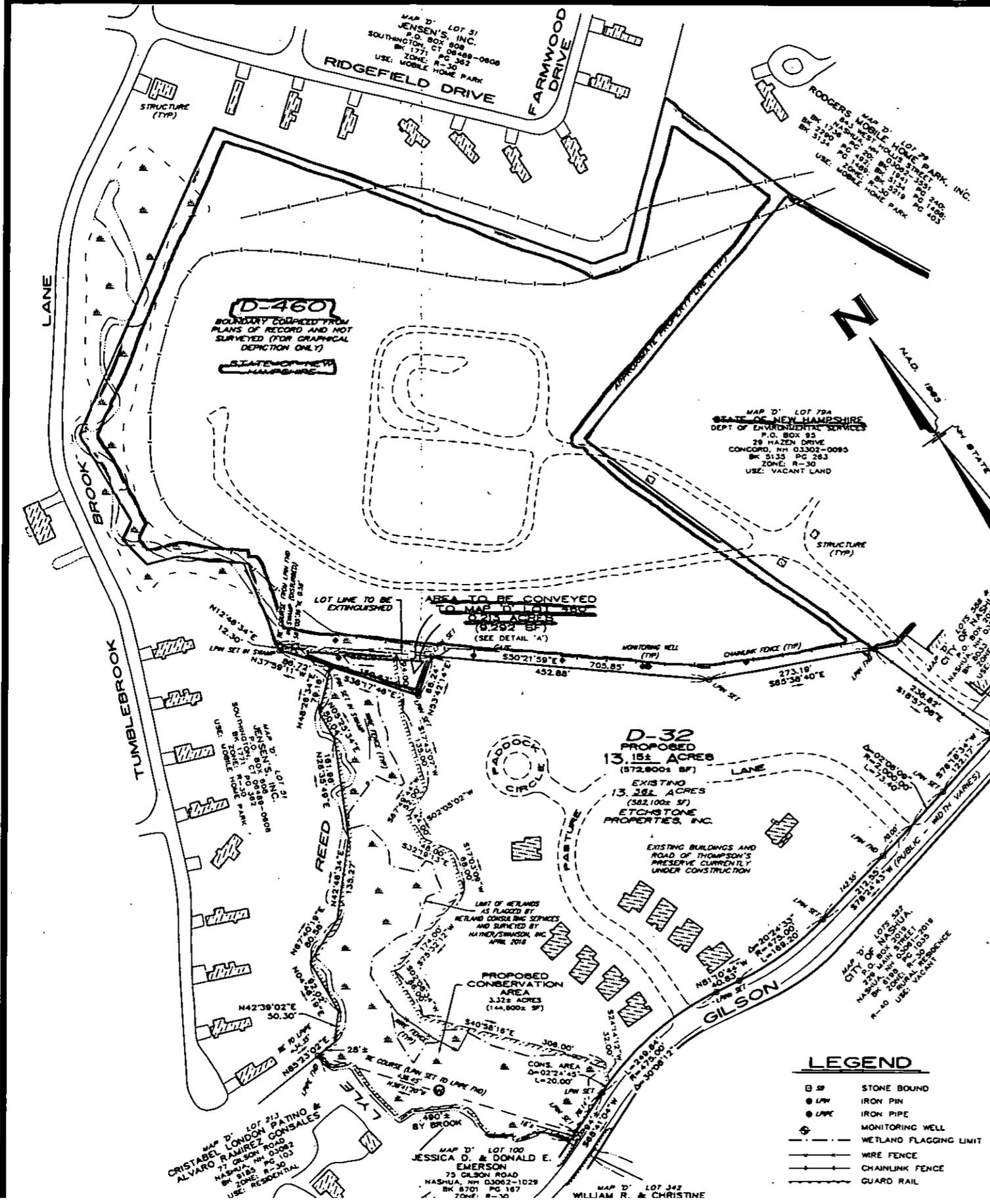
LOT LINE RELOCATION PLAN
(MAP 'D', LOTS 32 & 480)
65 GILSON ROAD
NASHUA, NEW HAMPSHIRE
PREPARED FOR/RECORD OWNER:
ETCHSTONE PROPERTIES, INC.
179 AMHERST STREET NASHUA, NEW HAMPSHIRE 03064 (603) 889-5208

RECORD OWNER:
STATE OF NEW HAMPSHIRE
NHDES c/o PAUL HEITZLER, PE ESQ., P.O. BOX 95 CONCORD, NH 03302-0095



5 SEPTEMBER 2019

HSI Hayner/Swanson, Inc.
Civil Engineers/Land Surveyors
3 Congress Street
131 Middlesex Turnpike



APPROVED
NASHUA CITY PLANNING BOARD

FOR ETCHSTONE PROPERTIES, INC. _____ DATE _____

FOR THE STATE OF NEW HAMPSHIRE _____ DATE _____

CHAIRMAN _____ DATE _____

CERTIFICATION
I HEREBY CERTIFY, TO MY KNOWLEDGE, INFORMATION AND BELIEF, THAT THIS PLAN SHOWS THE RESULTS OF AN ON-THE-GROUND "STANDARD PROPERTY SURVEY" AND THAT SAID SURVEY MEETS THE MINIMUM PRECISION AND/OR ACCURACY MEASUREMENTS FOR SURVEY CLASSIFICATION "U" (URBAN) AS SET FORTH IN TABLE 500.1 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS ADOPTED 08/23/01, EFFECTIVE 01/01/09.